



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,643	12/29/2000	Kris Fleming	42390P9723	1490

7590

08/24/2005

Glenn E. Von Tersch  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/752,643

Applicant(s)

FLEMING ET AL.

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/10/2005 has been entered.

### *Claim Objections*

2. Claim 44 is objected to because of the following informalities: there is no claim 44. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30-43 and 45-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Specification of the Bluetooth System- Part E" hereinafter referred to as the Bluetooth Specification in view of U.S. Patent Number 6,826,387 to Kammer.

Art Unit: 2142

5. As to claim 30, the Bluetooth Specification teaches a method comprising: receiving a service record at a first radio device from a second radio device (Section 2.1), the service record including a service record handle to identify the service record (Section 2.2) and a service name to identify a service of the second radio device (Section 2.3); and a sending a connection request from the first radio device to the second radio device (Section 2.1), however, the Bluetooth Specification does not explicitly teach the connection request including the service name to indicate the appropriate service.

Kammer teaches a method of making a connection request with the connection request including the service name to indicate the appropriate service (col. 13, lines 6-23).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Bluetooth Specification regarding service discovery and service records with the teachings of Kammer regarding the use of a service name when making a request because the service name is a user friendly way to access a service (Kammer, col. 13, lines 24-32).

6. As to claim 31, Kammer teaches the method of claim 30, further comprising receiving a virtual communications port with the service record, and wherein the connection request does not include the associated virtual communications port (col. 13, lines 6-23).

7. As to claim 32, the Bluetooth Specification teaches the method of Claim 30, wherein receiving a service record comprises receiving a service record from an advertising device (Section 2.2).

Art Unit: 2142

8. As to claim 33, the Bluetooth Specification teaches The method of Claim 30, further comprising sending a query and wherein receiving a service record comprises receiving a service record in response to the query (Section 2.2).

9. As to claim 34, the Bluetooth Specification teaches the method of Claim 33, wherein the query is sent utilizing a Bluetooth protocol SDP request and wherein the service record is received in the form of an SDP response (Section 2.1).

10. As to claim 35, the Bluetooth Specification teaches the method of Claim 30, further comprising: receiving a virtual communications port with the service record; and maintaining a database of radio device service records containing a service name and an associated virtual communications port for each service record (Section 2.2).

11. As to claim 36, Kammer teaches the method of Claim 35, further comprising connecting to a first service for which a radio device service record exists in the database utilizing the service name of the first service to initiate the connection (col. 13, lines 6-23).

12. As to claim 37, the Bluetooth Specification teaches the method of Claim 36, further comprising connecting to a second service for which a radio device service record exists in the database utilizing the service name of the second service to initiate the connection (Bluetooth can be used to connect multiple devices).

13. As to claims 38, 41, 45, 48, 52, 54, and 56 they feature the same limitations as claim 30 and are rejected for the same reason as claim 30.

14. As to claims 39-40 and 50-51, the feature similar limitations to claims 33 and 34 and are rejected for the same reasons as claims 33 and 34.

15. As to claim 42, the Bluetooth spec teaches a Bluetooth interface.

Art Unit: 2142

16. As to claims 43, 53, 55 and 57, the Bluetooth Specification teaches connecting to each service for which a record exists in a set of received service records (Section 2.1).
17. As to claim 46, it is rejected for the same reason as claim 33.
18. As to claim 47, it is rejected for the same reasons as claims 36 and 37.
19. As to claims 49 and 58, they are rejected for the same reason as claim 31.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 30-43 and 45-58 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

*DBB*

*Kamini Shah*  
KAMINI SHAH  
PRIMARY EXAMINER